

Kenneth A. Gallo (*pro hac vice*)  
Paul D. Brachman (*pro hac vice*)  
**PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP**  
2001 K Street, NW  
Washington, DC 20006-1047  
Telephone: (202) 223-7300  
Facsimile: (202) 204-7420  
Email: kgallo@paulweiss.com  
Email: pbrachman@paulweiss.com

William B. Michael (*pro hac vice*)  
Crystal L. Parker (*pro hac vice*)  
Daniel A. Crane (*pro hac vice*)  
**PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP**  
1285 Avenue of the Americas  
New York, NY 10019-6064  
Telephone: (212) 373-3000  
Facsimile: (212) 757-3990  
Email: wmichael@paulweiss.com  
Email: cparker@paulweiss.com  
Email: dcrane@paulweiss.com

Joshua Hill Jr. (SBN 250842)  
**PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP**  
535 Mission Street, 24th Floor  
San Francisco, CA 94105  
Telephone: (628) 432-5100  
Facsimile: (628) 232-3101  
Email: jhill@paulweiss.com

*Attorneys for Defendant Intuitive Surgical, Inc.*

[Additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: DA VINCI SURGICAL  
ROBOT ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Lead Case No.: 3:21-CV-03825-AMO-LB

**DEFENDANT'S NOTICE OF RE-FILING  
MATERIALS SUBJECT TO THE COURT'S  
OMNIBUS SEALING ORDER**

Judge: The Honorable Araceli Martínez-Olguín

In response to the Court's May 3, 2024 Order (ECF No. 254) endorsing the Parties' stipulation to re-file materials they filed provisionally under seal, Intuitive Surgical is hereby filing public versions of the documents listed below, which Intuitive provisionally filed under seal. Intuitive has removed or modified redactions to these documents as necessary to conform to the Court's April 17, 2024 Superseding Omnibus Sealing Order (ECF No. 246).

Att. No.	Brief	Exhibit No.	Original Docket No.	Originally Filed Under Seal/Redacted	Currently Redacted/Public
1	Rubach Daubert Motion – ECF No. 122		122	Redacted	Public
2		Exhibit 3	122.4	Sealed	Public
3		Exhibit 4	122.5	Redacted	Redacted
4	Trautman Daubert Motion – ECF No. 123		123	Redacted	Public
5		Exhibit 2	123.3	Redacted	Redacted
6		Exhibit 3	123.4	Sealed	Public
7		Exhibit 4	123.5	Sealed	Public
8		Exhibit 5	123.6	Sealed	Public
9		Exhibit 7	123.8	Sealed	Public
10		Exhibit 12	123.13	Sealed	Public
11		Exhibit 13	123.14	Redacted	Public
12		Exhibit 16	123.17	Sealed	Redacted
13		Exhibit 17	123.18	Sealed	Public
14		Exhibit 22	123.23	Sealed	Public
15	Parnell Daubert Motion – ECF No. 124		124	Redacted	Public
16		Exhibit 1	124.2	Sealed	Redacted
17		Exhibit 2	124.3	Sealed	Redacted
18		Exhibit 3	124.4	Sealed	Public
19		Exhibit 5	124.6	Sealed	Public
20		Exhibit 7	124.8	Redacted	Public
21		Exhibit 8	124.9	Redacted	Redacted
22		Exhibit 9	124.10	Redacted	Redacted
23		Exhibit 11	124.12	Sealed	Public
24		Exhibit 12	124.13	Sealed	Public
25	Elhauge Daubert Motion – ECF No. 126		126	Redacted	Public
26		Exhibit 1	126.2	Sealed	Redacted

Att. No.	Brief	Exhibit No.	Original Docket No.	Originally Filed Under Seal/Redacted	Currently Redacted/Public
27		Exhibit 2	126.3	Sealed	Public
28		Exhibit 3	126.4	Sealed	Redacted
29		Exhibit 5	126.6	Redacted	Redacted
30		Exhibit 7	126.8	Sealed	Public
31		Exhibit 8	126.9	Redacted	Redacted
32	Opposition to Plaintiff's MSJ and Cross-MSJ – ECF No. 153		153	Redacted	Redacted
33		Smith Dec. Ex. 1	153.7	Redacted	Redacted
34		Cahoy Dec. Ex. 1	153.9	Redacted	Redacted
35		Cahoy Dec. Ex. 3	153.11	Redacted	Redacted
36		Cahoy Dec. Ex. 11	153.18	Sealed	Public
37		Cahoy Dec. Ex. 12	153.19	Sealed	Public
38		Cahoy Dec. Ex. 13	153.20	Sealed	Public
39		Cahoy Dec. Ex. 16	153.23	Sealed	Public
40		Cahoy Dec. Ex. 21	153.28	Sealed	Public
41		Cahoy Dec. Ex. 22	153.29	Sealed	Public
42		Cahoy Dec. Ex. 23	153.30	Sealed	Public
43		Cahoy Dec. Ex. 24	153.31	Sealed	Public
44		Cahoy Dec. Ex. 27	153.34	Sealed	Public
45		Cahoy Dec. Ex. 28	153.35	Sealed	Public
46		Cahoy Dec. Ex. 29	153.36	Sealed	Public
47		Cahoy Dec. Ex. 30	153.37	Sealed	Public
48		Cahoy Dec. Ex. 31	153.38	Sealed	Public

Att. No.	Brief	Exhibit No.	Original Docket No.	Originally Filed Under Seal/Redacted	Currently Redacted/Public
49		Cahoy Dec. Ex. 32	153.39	Sealed	Public
50		Cahoy Dec. Ex. 33	153.40	Sealed	Public
51		Cahoy Dec. Ex. 34	153.41	Sealed	Public
52		Cahoy Dec. Ex. 35	153.42	Sealed	Public
53		Cahoy Dec. Ex. 36	153.43	Sealed	Public
54		Cahoy Dec. Ex. 37	153.44	Sealed	Public
55		Cahoy Dec. Ex. 39	153.46	Redacted	Redacted
56		Cahoy Dec. Ex. 40	153.47	Sealed	Public
57		Cahoy Dec. Ex. 45	153.52	Sealed	Public
58		Cahoy Dec. Ex. 46	153.53	Redacted	Public
59		Cahoy Dec. Ex. 47	153.54	Sealed	Public
60		Cahoy Dec. Ex. 48	153.55	Sealed	Public
61		Cahoy Dec. Ex. 49	153.56	Sealed	Public
62		Cahoy Dec. Ex. 50	153.57	Redacted	Public
63		Cahoy Dec. Ex. 51	153.58	Redacted	Public
64		Cahoy Dec. Ex. 52	153.59	Sealed	Public
65		Cahoy Dec. Ex. 53	153.60	Sealed	Public
66		Cahoy Dec. Ex. 54	153.61	Sealed	Public
67		Cahoy Dec. Ex. 55	153.62	Sealed	Public
68		Cahoy Dec. Ex. 56	153.63	Sealed	Public
69		Cahoy Dec. Ex. 57	153.64	Sealed	Public

Att. No.	Brief	Exhibit No.	Original Docket No.	Originally Filed Under Seal/Redacted	Currently Redacted/Public
70		Cahoy Dec. Ex. 58	153.65	Sealed	Public
71		Cahoy Dec. Ex. 59	153.66	Redacted	Public
72		Cahoy Dec. Ex. 61	153.68	Sealed	Public
73		Cahoy Dec. Ex. 62	153.69	Sealed	Public
74		Cahoy Dec. Ex. 63	153.70	Sealed	Public
75		Cahoy Dec. Ex. 67	153.74	Redacted	Public
76		Cahoy Dec. Ex. 70	153.77	Sealed	Public
77		Cahoy Dec. Ex. 73	153.80	Sealed	Public
78		Cahoy Dec. Ex. 77	153.81	Sealed	Public
79		Cahoy Dec. Ex. 92	153.82	Sealed	Public
80		Cahoy Dec. Ex. 94	153.84	Sealed	Public
81		Cahoy Dec. Ex. 95	153.85	Sealed	Redacted
82	Trautman Daubert Reply – ECF No. 174		174	Redacted	Public
83	Parnell Daubert Reply – ECF No. 177		177	Redacted	Public
84	Elhauge Daubert Reply – ECF No. 181		181	Redacted	Redacted
85		Exhibit 11	181.3	Sealed	Public
86		Exhibit 12	181.4	Sealed	Public
87		Exhibit 13	181.5	Sealed	Redacted
88	Summary Judgment Reply – ECF No. 188		188	Redacted	Redacted
89		Exhibit 90	188.3	Redacted	Redacted
90		Exhibit 97	188.6	Sealed	Public

1 Dated: May 17, 2024

By: *s/Kathryn E. Cahoy*  
KATHRYN E. CAHOY

---

2  
3 Kenneth A. Gallo (*pro hac vice*)  
Paul D. Brachman (*pro hac vice*)  
4 **PAUL, WEISS, RIFKIND, WHARTON &**  
**GARRISON LLP**  
2001 K Street, NW  
5 Washington, DC 20006-1047  
Telephone: (202) 223-7300  
6 Facsimile: (202) 204-7420  
Email: kgallo@paulweiss.com  
7 Email: pbrachman@paulweiss.com

8 William B. Michael (*pro hac vice*)  
Crystal L. Parker (*pro hac vice*)  
9 Daniel A. Crane (*pro hac vice*)  
10 **PAUL, WEISS, RIFKIND, WHARTON &**  
**GARRISON LLP**  
1285 Avenue of the Americas  
11 New York, NY 10019-6064  
Telephone: (212) 373-3000  
12 Facsimile: (212) 757-3990  
Email: wmichael@paulweiss.com  
13 Email: cparker@paulweiss.com  
Email: dcrane@paulweiss.com

14 Joshua Hill Jr. (SBN 250842)  
15 **PAUL, WEISS, RIFKIND, WHARTON &**  
**GARRISON LLP**  
535 Mission Street, 24th Floor  
16 San Francisco, CA 94105  
Telephone: (628) 432-5100  
17 Facsimile: (628) 232-3101  
Email: jhill@paulweiss.com

18 Sonya D. Winner (SBN 200348)  
19 **COVINGTON & BURLINGTON LLP**  
415 Mission Street, Suite 5400  
20 San Francisco, California 94105-2533  
Telephone: (415) 591-6000  
21 Facsimile: (415) 591-6091  
Email: swinner@cov.com

22 Kathryn E. Cahoy (SBN 298777)  
23 **COVINGTON & BURLING LLP**  
3000 El CamiPublic Real  
24 5 Palo Alto Square, 10th Floor  
25 Palo Alto, California 94306-2112  
Telephone: (650) 632-4700  
26 Facsimile: (650) 632-4800  
Email: kcahoy@cov.com

1 Andrew Lazerow (*Pro Hac Vice*)  
2 **COVINGTON & BURLING LLP**  
3 One CityCenter, 850 Tenth Street NW  
4 Washington, DC 20001-4956  
5 Telephone: (202) 662-6000  
6 Facsimile: (202) 6291  
7 Email: alazerow@cov.com

8 Allen Ruby (SBN 47109)  
9 allen@allenruby.com  
10 **ALLEN RUBY, ATTORNEY AT LAW**  
11 15559 Union Ave. #138  
12 Los Gatos, California 95032  
13 Telephone: (408) 477-9690

14 *Attorneys for Defendant*  
15 *Intuitive Surgical, Inc.*  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

On May 17, 2024, I caused a copy of the Defendant's Notice of Re-Filing Materials Subject to the Court's Omnibus Sealing Order to be electronically filed via the Court's Electronic Case Filing System, which constitutes service in this action pursuant to the Court's order of September 29, 2008.

Dated: May 17, 2024

By: s/Kathryn E. Cahoy  
KATHRYN E. CAHOY